

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL NO. 3:09CV96-GCM-DSC**

<b>JANICE SCHAFER AS )</b>	
<b>GUARDIAN AD LITEM FOR )</b>	
<b>WMS, )</b>	
<b>Plaintiff, )</b>	
<b>v. )</b>	
<b>MICHAEL J. ASTRUE, )</b>	
<b>Commissioner of Social )</b>	
<b>Security Administration, )</b>	
<b>Defendant. )</b>	

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**ORDER**

**THIS MATTER** is before the Court upon the Memorandum and Recommendation of United States Magistrate David S. Cayer, filed October 5, 2009; Plaintiff's Objections, filed October 6, 2009; and Defendant's Response to Defendant's Objections, filed October 9, 2009.

Because the briefs for the parties, and therefore the Memorandum and Recommendation of the United States Magistrate, relied on Texas Family Code § 160.603, § 160.604, and § 160.707, which appear to the Court to have been enacted on June 14, 2001, six months after the Texas court's judgment of parentage on January 3, 2001; the Court requests the Appellant to rebrief its Motion. Specifically, the Court asks the Appellant to consider any differences between Texas statutes and caselaw at the time of the January 3, 2001 hearing and Texas law as previously briefed.

IT IS THEREFORE ORDERED that:

The Appellant submit a revised brief to this Court within 60 days of filing of this Order; The Commissioner shall reply no later than 60 days from service of plaintiff's brief; and

The Appellant may respond to such reply no later than 60 days from service of defendant's response.

However, if the parties are able to brief this matter more rapidly than this set schedule, it is encouraged by the Court.

This 16<sup>th</sup> day of December, 2009.

Signed: December 16, 2009



Graham C. Mullen  
United States District Judge

